

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:10-CR-138-LD

FILED IN OPEN COURT
ON 6-7-2010
Dennis P. Iavarone, Clerk
US District Court
Eastern District of NC

UNITED STATES OF AMERICA :
 :
 v. :
 :
 WHITNEY MCCHESENEY CLARKE :

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, pursuant to the entry of Memorandum of Plea Agreement entered into by the defendant, Whitney McChesney Clarke, on Jun 7, 2010, 2010, the following property is hereby forfeitable pursuant to 18 U.S.C. § 982(a)(1), to wit:

(A) Real Property

The real property and all appurtenances located at 482 Gordon Moore Road, Franklinton, North Carolina, described in a deed recorded in Book 1594, pages 409-410 of the Franklin County Register of Deeds.

(B) Personal Property

Fidelity Bank: David & Whitney Clarke Account #XXXXXX7540;
Fidelity Bank: Diversions Consulting Unlimited LLC Account
#XXXXXX6308;

Freedom Federal Credit Union Official Check #310623, dated 8/27/2009 in the amount of \$50,000 made payable to the North Carolina Department of Revenue; and

WHEREAS, by virtue of said Memorandum of Plea Agreement, the United States is now entitled to possession of said property pursuant to 21 U.S.C. § 853;

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the Memorandum of Plea Agreement as to the defendant, David Clarke, the United States is hereby authorized to seize the above-stated property, and it is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n), as allowed by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(3), this Order is now final as to the defendant.

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Preliminary Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(3).


3. That pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General or the Secretary of Treasury directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property

must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

4. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853, as required by Fed. R. Crim. P. 32.2(c).

SO ORDERED. This 7 day of June, 2010.


United States District Judge